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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,878	03/19/2004	Hideyuki Hashi	2004_0279A	7157
513	7590	04/18/2007	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			KLIMOWICZ, WILLIAM JOSEPH	
2033 K STREET N. W.			ART UNIT	PAPER NUMBER
SUITE 800			2627	
WASHINGTON, DC 20006-1021				
MAIL DATE		DELIVERY MODE		
04/18/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/803,878	HASHI ET AL.	
	Examiner	Art Unit	
	William J. Klimowicz	2627	
<i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
THE REPLY FILED 05 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:			
a) <input checked="" type="checkbox"/> The period for reply expires 3 months from the mailing date of the final rejection.			
b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.			
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).			
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).			
NOTICE OF APPEAL			
2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).			
AMENDMENTS			
3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because			
(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);			
(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);			
(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or			
(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.			
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).			
4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).			
5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.			
6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).			
7. <input checked="" type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input checked="" type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.			
The status of the claim(s) is (or will be) as follows:			
Claim(s) allowed: 27-39, 41-46, 48-56 and 59.			
Claim(s) objected to: _____.			
Claim(s) rejected: _____.			
Claim(s) withdrawn from consideration: _____.			
AFFIDAVIT OR OTHER EVIDENCE			
8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).			
9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).			
10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.			
REQUEST FOR RECONSIDERATION/OTHER			
11. <input type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because:			

12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____			
13. <input checked="" type="checkbox"/> Other: See enclosed attachment regarding incomplete Declaration.			
 William J. Klimowicz Primary Examiner Art Unit: 2627			

Defective or Incomplete Oath/Declaration

The Declaration filed on June 28, 2004 is incomplete. More specifically, the Applicant has asserted:

the specification in application Serial No. 10/803,878, filed March 19, 2004, and with the amendments through ____, or () the specification in International Application No. ____, filed ____, and as amended on ____ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

Thus, the Applicant has not properly declared or asserted that the Applicant has “reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment referred to above.” The Applicant has not identified that the amendment was specifically amended as of the filing of the After-Final Amendment, on April 5, 2007. The Applicant merely states “the specification in application Serial No. 10/803,878, filed March 19, 2004, ***and with the amendments through ____***,” (emphasis added) and does not fill in the proper date.

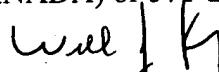
The Amendment filed on April 5, 2007 has been entered, but since the Declaration is incomplete, cannot be allowed at this time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



William J. Klimowicz
Primary Examiner
Art Unit 2627

WJK